

# Applicant's Briefing

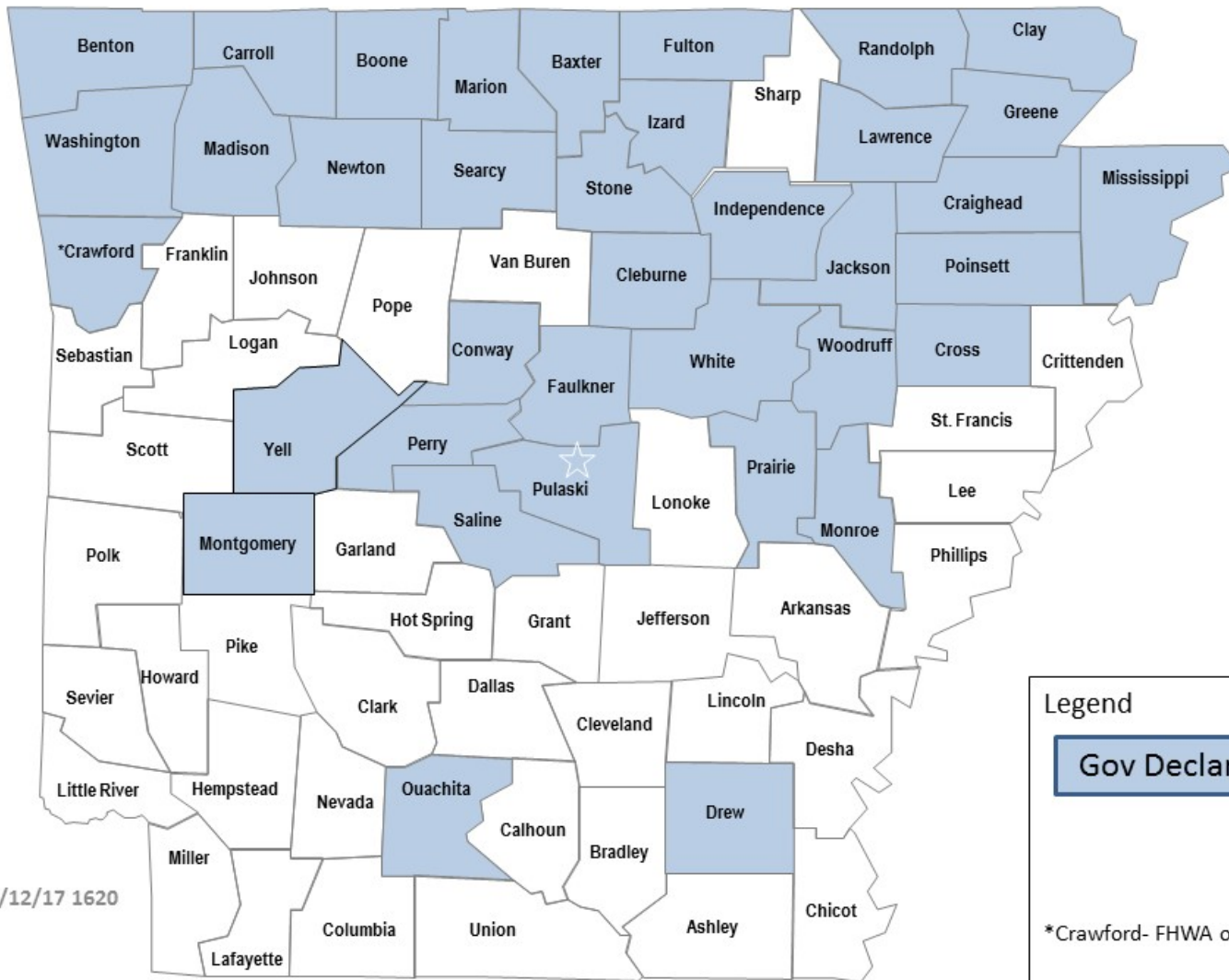
FEMA 4318-DR-AR

## FEMA 4318– DR – AR

- **Incident Period**

- April 26, 2017 through May 19, 2017
- Severe Storms, Tornadoes, Straight-line Winds, and Flooding
- PA Declaration on June 15, 2017

# FEMA 4318-DR-AR



5/12/17 1620

## Legend

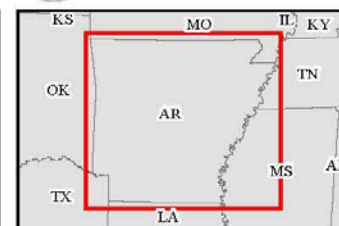
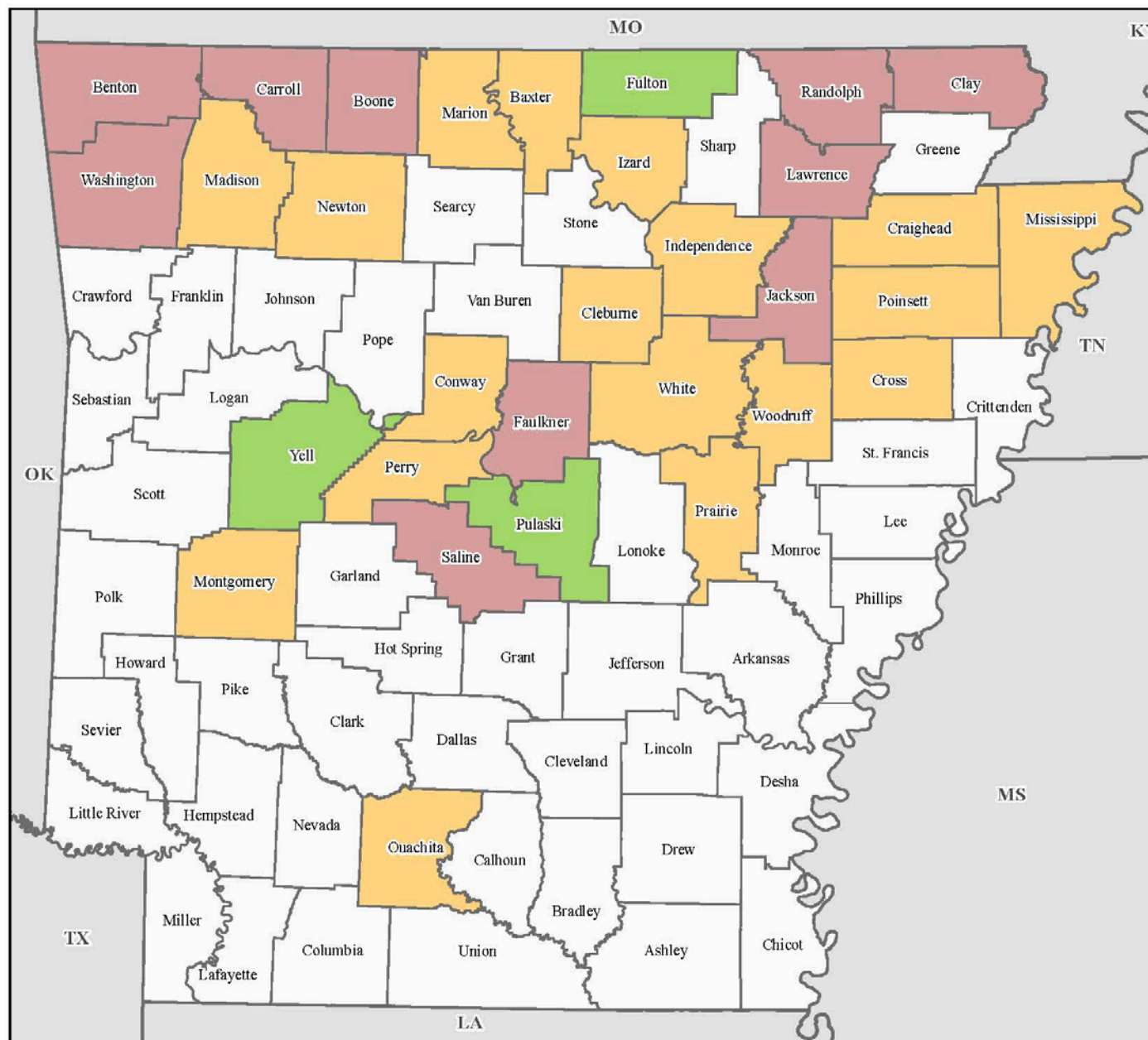
Gov Declared

\*Crawford- FHWA only

# FEMA-4318-DR, Arkansas Disaster Declaration as of 06/15/2017



FEMA



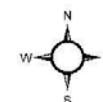
## Data Layer/Map Description:

The types of assistance that have been designated for selected areas in the State of Arkansas.

All areas in the State of Arkansas are eligible for assistance under the Hazard Mitigation Grant Program.

## Designated Counties

- No Designation
- Individual Assistance
- Public Assistance
- Individual Assistance and Public Assistance



0 10 20 30 40  
Miles

## Data Sources:

FEMA, ESRI;  
Initial Declaration: 06/15/2017  
Disaster Federal Registry Notice:  
06/15/2017  
Datum: North American 1983  
Projection: Lambert Conformal Conic

## Applicant Briefing Packet

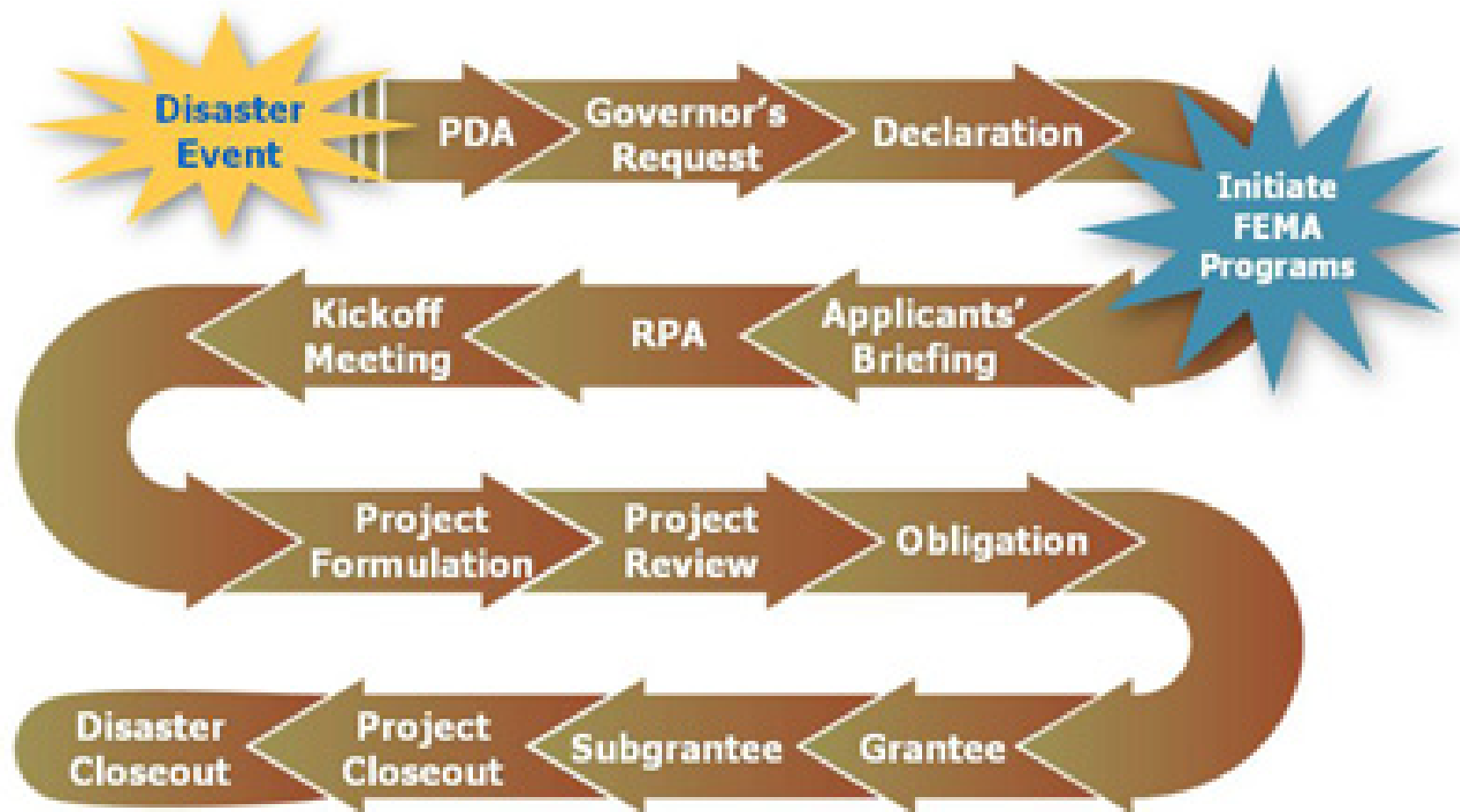
- Request for Public Assistance (RPA)
  - Deadline 30 Days from declaration date
- Applicant – State Agreement
- Designation of Applicant Agent
- W-9 Form
- Direct deposit or State Agency Transfer
- PNP Questionnaire (PNPs Only)

# PUBLIC ASSISTANCE GRANT PROGRAM

Reimbursement Program to  
eligible applicants for  
response and recovery  
activities required as a  
result of a disaster.



# Arkansas Department of Emergency Management





## **GRANTEE or SUBGRANTEE**

**Recipient** – Formerly Grantee. State or tribal government that is responsible for administering Public Assistance grants.  
(**ADEM**)

**Subrecipient** - Formerly Subgrantee.  
Eligible applicant that receives a Public Assistance grant as reimbursement for performing eligible disaster work.



COST

WORK

FACILITY

APPLICANT

COST

WORK

FACILITY

APPLICANT

## **ELIGIBLE APPLICANTS**

- State Government
- County Government
- City Government
- Certain Private Nonprofit Organizations
- Native American Tribes or Tribal Organizations

## Eligible Private Nonprofit Entities

- Educational
- Medical
- Custodial care
- Fire/emergency
- Utilities (power, water, sewer, etc)
- Certain irrigation facilities

# Eligible Private Nonprofit Entities Must:

- Complete PNP questionnaire to determine eligibility

## **PNP FUNDING LIMITATIONS**

- **Critical Facilities:**
  - Eligible for emergency & permanent work
- **Non-Critical Facilities (museums, libraries, zoos)**
  - Eligible for emergency work
  - Must first apply to SBA for permanent work

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APPLICANT



## Eligible Facilities

- Roads, bridges, and culverts
- Drainage and irrigation channels
- Public buildings – Schools, Courthouses, etc.
- Water, power, and sanitary systems
- Parks, baseball fields, walking trails

## **ELIGIBLE FACILITY REQUIREMENTS**

- Damaged as a result of a declared event
- Located within a declared disaster area
- The legal responsibility of an eligible Applicant
- In active use at the time of the disaster
- Not under the authority of another federal agency

## Ineligible Work

- Routine maintenance
- Pre-existing damage
- Work caused by lack of maintenance

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APPLICANT

## CATEGORIES OF WORK

- Emergency (Cat A & B)
- Permanent (Cat C-G)



# EMERGENCY WORK



Category A - **Debris Removal**

Category B - **Emergency Protective Measures**



## EMERGENCY WORK

- Overtime Only when using salaried/force account employees
- Force Account Equipment
- Temp hire employees (all time is eligible)
- Leased Equipment w/operator
- Contract – proper bidding procedures and competitive bidding



# EMERGENCY WORK LABOR

## Emergency Work Labor Eligibility

### Budgeted Employees

### Overtime

### Straight-Time

Permanent employee



Seasonal employee working during normal season of employment



### Unbudgeted Employees

### Overtime

### Straight-Time

Essential employee called back from administrative leave



Permanent employee funded from external source



Temporary employee hired to perform eligible work



Seasonal employee working outside normal season of employment



## Category A - Debris Removal

- Eligible
  - Storm Related Debris
  - In Public Right-of-way
  - Separated at the Right-of-way/Curb
  - Stumps (More than 50% Exposed)
- Not Eligible
  - Private Property (case by case, FEMA approval)
  - Unimproved Public Property
  - Demolition
  - Concrete Slabs
  - Commercial Property
  - Routine Garbage/Trash Pickup

## Category B - **Emergency Protective Measures**

- **Examples**

- Search & Rescue
- Safety Barricades & Signs
- Security Forces
- Health & Safety Hazards
- Emergency Protective Levees
- Sandbagging & Emergency Pumping
- Food & Shelter –When provided by the applicant

# **DONATED RESOURCES**

(Policy # 9525.2)

## **In-Kind Match**

- Applies to the Non-Federal Share of Emergency Work Only (A & B)
- Credited at \$10/hr
- List of volunteers names, record of hours worked, work site, description of work for each volunteer, and equivalent information for equipment and materials.

# DONATED RESOURCES

## Donated Equipment:

- Reimbursed by hour using FEMA Equipment Rates
- **For Donated Resources to be Eligible:**
  - Must be properly documented
  - Must be doing eligible work

# PERMANENT WORK

## Category C – G

Restore a damaged facility to its **pre-disaster design, function, and capacity** in accordance with applicable codes and standards.

## Permanent Work Categories

**Category C:** Roads and Bridges

**Category D:** Water Control Facilities

**Category E:** Buildings, Contents and Equipment

**Category F:** Utilities

**Category G:** Parks, Recreational, and Other



## Category C

### Not eligible:

- Permanent repairs to Federal-aid roads (FHWA)
- Private and homeowners' association roads
- Maintenance items



## FHWA ER Program

- Know your designated federal aid routes
- Maps are available from AHTD
- Will not be covered by FEMA for permanent repairs
- FHWA Threshold = \$700,000

Brooks Booher

Staff Maintenance Engineer

Emergency Management Liaison Officer

Arkansas State Highway and Transportation Department

Phone: 501-569-2467

e-mail: [brooks.boohar@ahtd.ar.gov](mailto:brooks.boohar@ahtd.ar.gov)

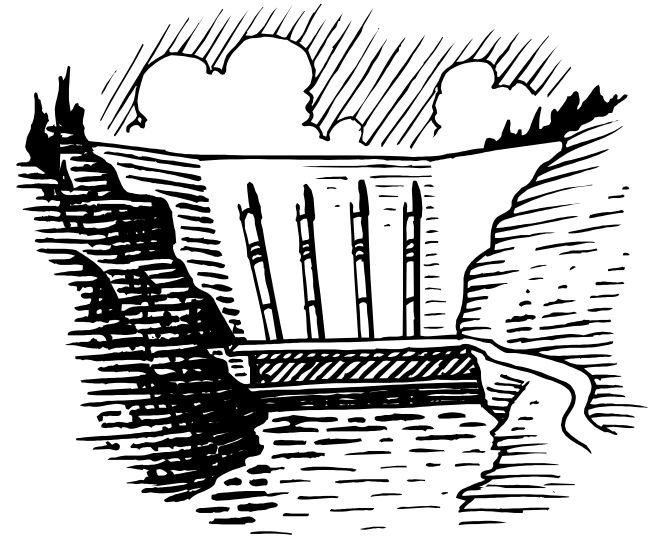
## Category D

Typical facilities include:

Dams and reservoirs

Drainage and irrigation channels/facilities

Levees/dams/flood channels



## LEVEES

- May be Eligible for FEMA Public Assistance:
  1. Emergency and permanent repairs
  2. Debris Removal
  3. Placement and removal of flood fighting measures (sandbags)
  4. Dewatering of areas behind levees if there is an immediate threat to public health and safety, or improved property

\*See FEMA Policy 9524.3 for specifics

## Category E

**Typical facilities include:**

Schools, hospitals, jails, courts, and other buildings

Building contents and systems

Equipment and vehicles



## Category F

Typical facilities include:

Water distribution systems

Power generation and distribution

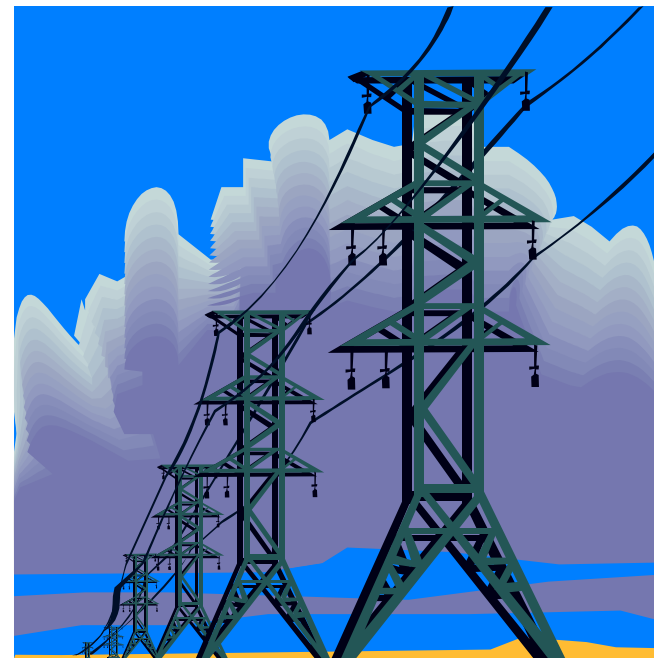
Waste water facilities

Communications

Not eligible:

Lost revenue

Increased operating expenses due to disaster



## Category G

Typical facilities include:

Public recreational facilities

Public cemeteries

Improved and maintained beaches

Other

Not eligible:

Trees and ground cover, regardless of purpose

Natural features

Private non-profit owned parks and recreational facilities





## ELIGIBLE COSTS / Cat C-G

- Regular and Overtime + fringe benefits
- Materials
- Applicant owned equipment
  - FEMA Cost Codes (Updated 2016)
- Rented equipment
- Contract costs incurred for eligible work, including engineering/design services

## Codes and Standards

### Five criteria:

1. Apply to the repair/ restoration work
2. Appropriate to pre-disaster use
3. Be reasonable, in writing, and formally adopted and implemented prior to the declaration
4. Apply uniformly to all such facilities
5. Be enforced

## 406 Hazard Mitigation



- Cost effective action taken to prevent or reduce the threat of future damage (upsizing culverts, etc)
- Applies to permanent work only
- May be proposed by all parties
- Failure to complete mitigation may result in a loss of funding

COST

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FACILITY

APPLICANT

## Costs

- Must be reasonable and necessary
- Must comply with standards for procurement
- No duplication of benefits

## Eligible Costs

- Force Account Labor
- Applicant Owned Equipment
- Materials
- Rental Fees
- Donated Resources
- Direct Administrative Cost(DAC)
- Contracts

# **DIRECT ADMINISTRATIVE COSTS (DAC)**

- **Examples**
  - Site Visits, Gathering and Processing Documents
  - Directly related to a Project Worksheet
  - Documented costs only

# CONTRACT WORK

- **Ensure**

- Reasonable cost



- Full and Open Competition

- \* **Adequate Opportunities to small businesses, minority-owned firms, and women's business enterprises**



## Contracts

### Eligible if:

- Properly procured through local, State, and Federal procedures
- Adequate Opportunities to small businesses, minority-owned firms, and women's business enterprises

### Competition:

- Full and open competition is required
- May use prequalified lists of firms, but ensure: a) List is current; b) Has enough qualified sources for competition; and c) Bidders are allowed to qualify during solicitation period.

## Contracts (cont'd)

### Acceptable types:

- Lump Sum- clearly defined scope and total price
- Unit Price- item by item basis and cost determined per unit
- Cost + Fixed Fee- contractor fee added into price
- Time and Materials:
  - Must include a ceiling amount on the price
  - Not exceed initial 70 hours
    - Solicit a new contract for remaining work using a competitive process
  - Should be avoided

## Contracts (cont'd)

### **Prohibited by FEMA:**

- Noncompetitive Contracts
- Cost + percentage of cost

### **Discouraged by FEMA:**

- “Piggyback contracting”- occurs when an applicant has disaster related work performed by another jurisdiction’s contractor. New work has not been competitively bid.

# CONTRACT WORK

## Avoid

- Noncompetitive contracts
- Cost plus percentage of cost
- Payment contingent upon federal reimbursement
- Conflicts of interest
- Excessive Costs
- Grantee or sub-grantee profit
- Debarred or Suspended Contractors

\* [www.sam.gov](http://www.sam.gov)



COST

WORK

FACILITY

APPLICANT

## Project Worksheet (PW)

- Captures eligible damages and provides the scope of work
- Ensure that the “local” representative is part of the formulation Team. (Group Effort)
- Review before signing!
- Any changes to the approved PW must be submitted to ADEM for review and FEMA approval
- **Minimum PW amount = \$3,050**

# SMALL OR LARGE PROJECT?



## TYPES OF PROJECTS

Small Projects – less than \$123,100

Large Projects – \$123,100 and above

Improved Projects – must request

Alternate Projects – must request

### REMEMBER

**Failure to submit request to the state could  
result in loss of funds**



## IMPROVED PROJECTS

- Applicant may make improvements
  - Applicant is financially responsible for improved costs above and beyond the cost to return to pre-disaster condition
- Replacing a 2 bay fire department with a 4 bay

**\*Failure to submit request to  
the state could result in loss  
of funds**

## ALTERNATE PROJECTS

**Funds used for a project other than repair of the damaged structure:**

- Must first be requested from state
- Must receive prior approval from FEMA
- May Require environmental assessment
- 10% reduction of FEMA funding from original project estimate

## Change in Scope of Work

- Additional damage is discovered during construction
- Change orders
- Engineering reports
  - Has to be approved prior to work being performed

**\*Failure to submit request to the state  
could result in loss of funds**

# **SPECIAL CONSIDERATIONS for WORK**

Environmental Requirements

Threatened & Endangered Species

Historic Preservation

Special Flood Hazard Areas

Hazard Mitigation

Insurance

# ENVIRONMENTAL REVIEW

Requires compliance with all Environmental and Historic Preservation Laws.

Environmental review helps expedite compliance with Federal, State and Local laws.

**Examples – USACE 404/Nationwide, ADEQ Burn/STAA, and SHPO**

## HISTORICAL PRESERVATION

- Have any historical issues identified prior kickoff meeting
- Property eligible for listing on the National Register of Historic Places requires special consideration under the National Historic Preservation Act.
- **DO NOT** disturb/dig the ground unless permit/approval came from the State Historical Preservation Officer (SHPO).
- Obtain all permits as necessary.



# INSURANCE REQUIREMENTS

- Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.
- All applicants are required to obtain and maintain insurance coverage on all insurable facilities, as a condition of Public Assistance funding.
- Additional specific requirements will be applied to all flood damaged facilities located within the Special Flood Hazard Area.

## EMMIE

- Follow the progress of each PW
- Review process
- Mitigation eligibility
- Types of permits/conditions required
- When the funds awarded

\* Encourage applicants to register



# **Sandy Recovery Improvement Act of 2013**

- Public Assistance Alternative Procedures for Debris Removal (Cat A Only)
- Public Assistance Alternative Procedures for Permanent Work (Cat C-G)

## Alternative Procedures for Debris Work

- To participate in these procedures, all debris projects must be included
  - **Accelerated Debris Removal** - Increased Federal Cost Share according to completion date (85%, 80% and 75%)
  - **Recycling Revenues** – Retain the income received from recycled debris for approved purposes
  - **Force Account Labor** - Reimbursing base and overtime wages
  - **Debris Management Plan** - Incentives to have a debris management plan (2%)
- Sub-recipients may elect to use one or more of the procedures

## Alternative Procedures for Permanent Work

- Projects to be written on the basis of fixed estimates.
- Elimination of 10% reduction for alternate projects.
- Allows for consolidating multiple facilities into a single project.
- Allows the use of excess funds for approved projects.
- Panel available for estimates as requested (required for estimates  $\geq$  \$5 million.)

## **APPLICANT RESPONSIBILITIES**

- Get your packet submitted ASAP
- Participate in Exploratory Call
- Prepare for Kickoff Meeting
- Have all damages identified
- Aware of any mitigation projects

# PUBLIC ASSISTANCE FUNDING PROCESS

Where is our money?



## Documentation

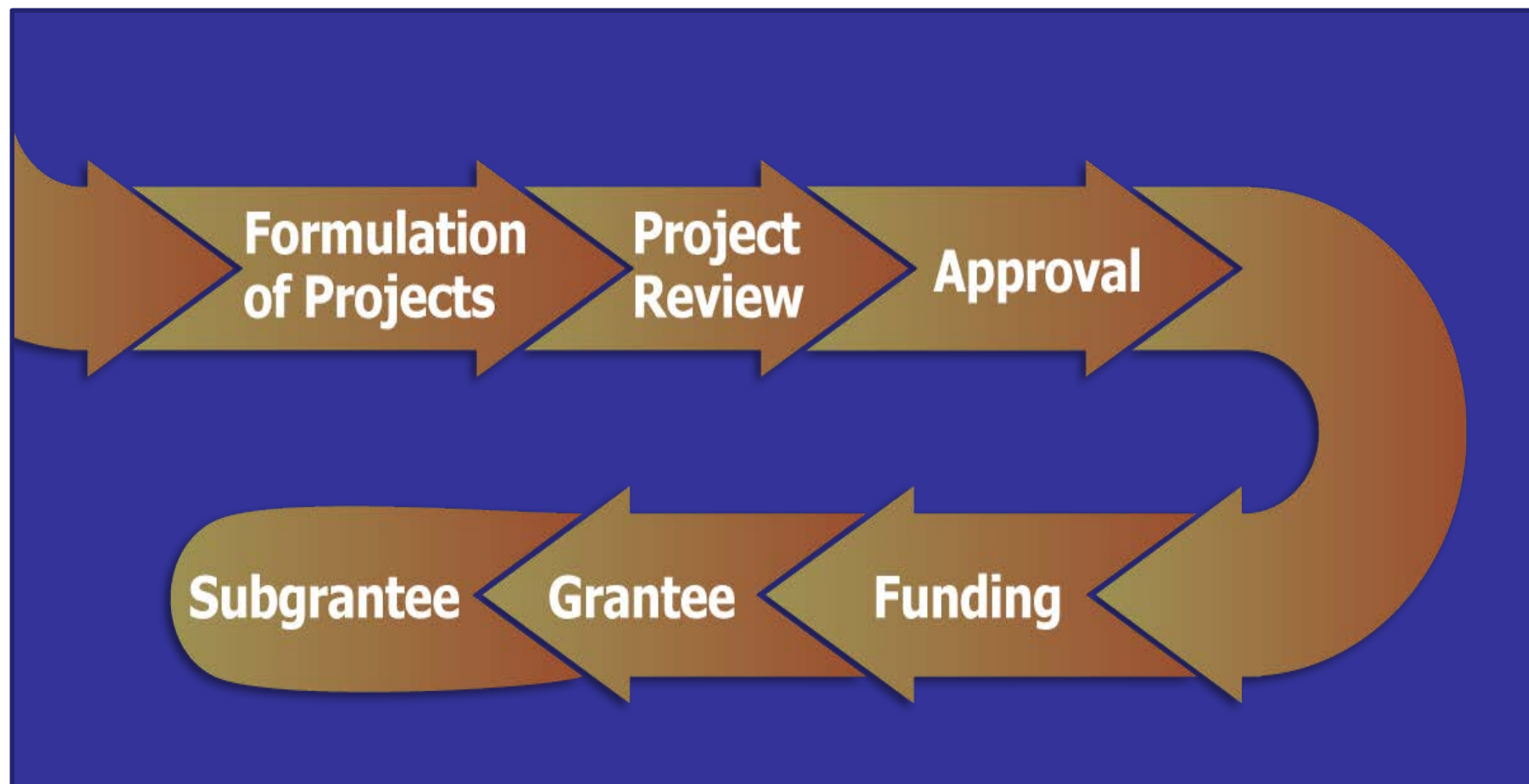
- Establish and Maintain your records.
- Create a file for each project.
- Records **Must** be retained for 3 years after the entire disaster is closed.
- PA Grant Reimbursement Workbook



# FEMA 4318– DR – AR

- **FUNDING**
  - 75% Federal funds
  - 25% Applicant funds

# Arkansas Department of Emergency Management



Arkansas' Homeland Security & Preparedness Agency



# SMALL PROJECT PAYMENTS

- Federal cost share is paid upon Project Worksheet (PW) approval/funds awarded.
- Actual Costs or Based on Estimates
- Overruns **NOT** allowed
- Small Project netting/appeal
- Quarterly Reports must be submitted for each project not complete. (October 1 – January 1 – April 1 – July 1)

## LARGE PROJECTS

- Federal cost share will be paid based on work completed
  - Applicant will submit **PA Grant Reimbursement Workbook** along with all supporting docs; state reviews, inspects & pays 75% of costs submitted.
  - Advances from State (Not to exceed 25% of Federal Share)
- Quarterly Reports must be submitted for each project not complete. **(October 1 – January 1 – April 1 – July 1)**

## PROJECT MONITORING & INSPECTIONS

- Final inspections will be conducted on all large PWs once ADEM is notified that work is complete.
- 20% of all small PWs will be inspected once the applicant has submitted a request for state share payment.
- Monitoring visits will occur throughout the life of the project as deemed necessary by ADEM.

# GRANT CLOSEOUT FORM

- **Grant Closeout Form (Original is required)**
  - All work has been completed according to the Scope of work
  - All Federal Funds have been paid (small and large PWs)
  - All necessary site monitoring & inspections have been completed by ADEM

## REQUIRED AUDIT

### Single Audit

- A non-Federal entity that expends *\$750,000* or more in Federal awards during that entity's fiscal year must have a single audit or program-specific audit conducted for that year. You are required by law to submit a copy of your audit to ADEM within a year after receipt of federal funds.

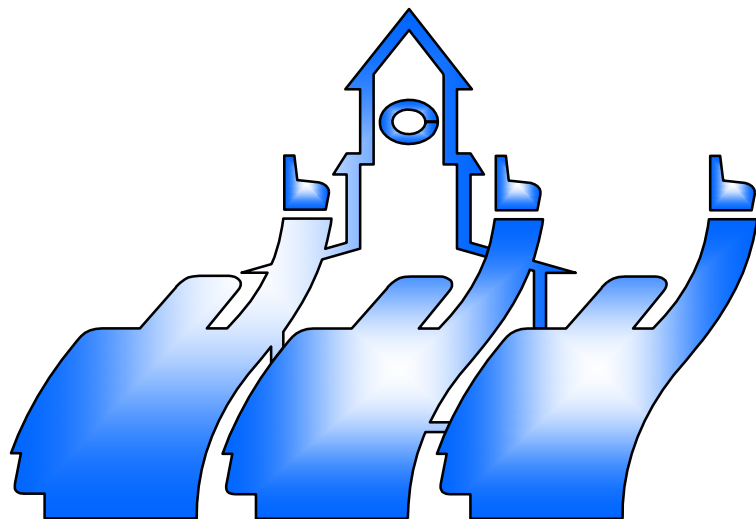
# **TO AVOID LOSS OF FUNDING**

Obtain all permits and clearances  
before you start  
construction/repairs for the  
following special considerations!!!

Information in: **Green Sheet**

## APPEALS

Any determination  
related to Federal  
assistance may be  
appealed.



The time limit for appeal submission is 60  
DAYS from receipt of notice of the action  
which is being appealed.

Much easier to fix a problem while FEMA is here.

## DECLARATION DATES

- Declared: **June 15, 2017**
- RPA submitted by: **July 15, 2017** (Can't begin process until RPA is received and approved)

## WORK COMPLETION DATES

- (Category A & B) 6 months from Dec Date – **12/15/17**
- (Category C thru G) 18 months from Dec Date – **12/15/18**
- Extension of time for project completion must be requested from ADEM

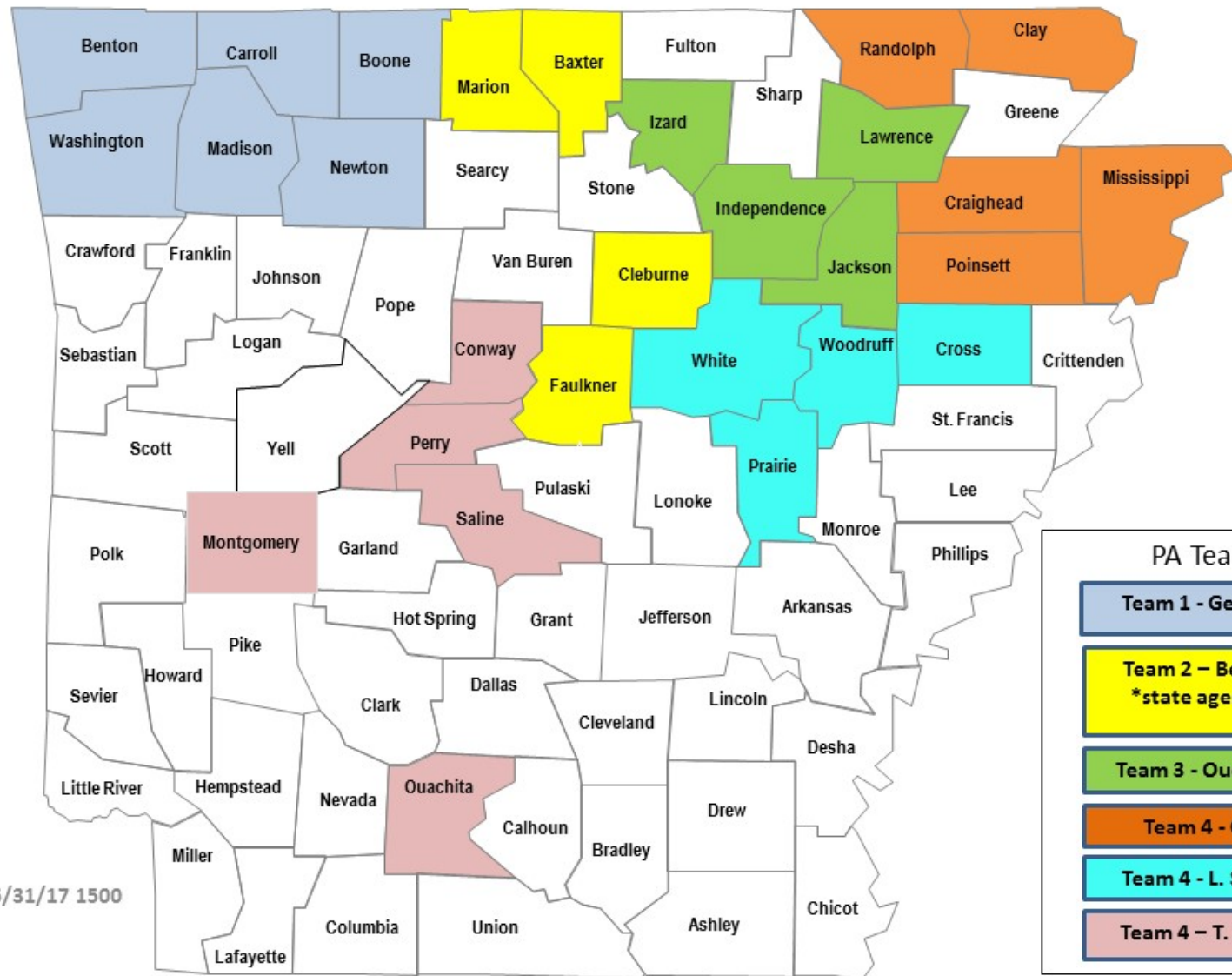


## What to Expect Next

- **Exploratory Call**
- **FEMA Kick-Off Meeting**
- **Prepare to take FEMA to damaged sites**
- **Prepare to obtain any documents FEMA may ask for**
  - Very important to make copies of anything and everything you give FEMA.
  - Just because you gave them to FEMA doesn't mean ADEM will ever see them. FEMA and ADEM are separate entities and each have own requirements.
- **Once PWs are written, still have to go through review process before being awarded**

# County Assignments

April 26, 2017 and May 19, 2017, Tornadoes, Straight-line Winds, and Flooding



## FINAL REMINDERS

- **Submit Packets ASAP**
- **Prepare for FEMA Kick-Off Meeting**
- **Be prepared to accompany FEMA on site visits**
- **Get documentation organized**
- **Proper Procedures for contracting**
- **Obtain all necessary permits prior to working**
- **Work Completion Dates and Extensions**
- **PA Grant Reimbursement Workbook (Website)**
- **Grant Closeout Request**

**Jodi Lee**

**Anna Pool**

**Ali Rye**

**Kiara Sykes**

# Arkansas Department of Emergency Management

ADEM

Attn: Recovery Branch

Bldg. 9501

Camp JT Robinson

N. Little Rock, AR 72199



501-683-6700

501-683-7892 (Fax)

<http://www.adem.arkansas.gov>

Arkansas' Homeland Security & Preparedness Agency

In Doubt or have Questions

**CALL US or EMAIL**

**501-683-6700**

**recoverybranch@adem.arkansas.gov**